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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,071	06/14/2001	Makoto Mogamiya	P20764	6440
7055	7590	05/05/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,071

Applicant(s)

MOGAMIYA ET AL

Examiner

Timothy J. Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-12 and 14-274 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,7-12 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 14 and 27 is/are rejected.
- 7) ☒ Claim(s) 15,16 and 21-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to the title and figure 3 overcome the previous objections, these objections are therefore withdrawn.

Response to Arguments

2. The indicated allowability of claims 14-16 is withdrawn in view of the newly discovered reference(s) to Abe et al. (US 5,828,918). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 14 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (US 5,828,918).

[claim 14]

Regarding claim 14, Abe discloses an electronic camera (Figure 1; c. 6, ll. 51-64) comprising: at least one optical element disposed in said electronic camera (Figure 1, Item 24) and a charge eliminating device for eliminating static electric charges from said optical element (e.g. Figure 3, Item 54), said charge eliminating device including a brushing device having a conductive and grounded brush (c. 7, ll. 11-64), said brush traversing over a surface of said optical element while keeping contact with said optical

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element to ground said optical element (Figure 3).

[claim 27]

Regarding claim 27, Abe discloses an optical element which is an image-pickup device (c. 5, ll. 50-65).

Allowable Subject Matter

5. Claims 1-5, 7-12 and 17-20 allowed.

[claims 1-5, 7-12 and 17-20]

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1-5, 7-12 and 17-20 the prior art does not teach or fairly suggest an electronic camera including a charge eliminating device for eliminating static electric charges from an optical element, wherein said charge eliminating device includes an ion generator or wherein the charge eliminating device operates when a shutter button is pushed down to a first position while an image-pickup device operates when the shutter button is pushed down to a second position.

6. Claims 14, 15 and 21-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 14, 15 and 21-23]

Regarding claims 14, 15 and 21-23 the prior art does not disclose a manually operable switch and a controller for controlling a charge eliminating device which is a conductive and grounded brush in response to operating of the manually operable

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switch.

[claims 24-26]

Regarding claims 24-26 the prior art does not teach or fairly suggest the use of a conductive and grounded brush to remove static electric charges from an optical element which is an optical low-pass filter, an infrared filter or made from ferroelectric material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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TJH

4/26/2005


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